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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,202	07/18/2001	Paul Scheurer	434100.9	1344

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EXAMINER

NGUYEN, JOHN QUOC

ART UNIT PAPER NUMBER

3654

DATE MAILED: 08/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/831,202

Applicant(s)

SCHEURER, PAUL

Examiner

John Q. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-32 is/are pending in the application.
- 4a) Of the above claim(s) 11-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 12.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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Applicant's election without traverse of species I, figs. 1-3 in Paper No. 9 has been acknowledged. Claims 11-19 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 9.

The declaration is acceptable

Claims 1-10 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For clarity and/or definiteness, it appears that —belt—should be inserted after “conveyor” (claim 20, line 6).

All claims should be revised carefully to correct all other deficiencies similar to the ones noted above.

Claims 20-22, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art in view of Goetz (US 4708300).

Applicant's admitted prior art is discussed on pages 1-3 of the specification discloses substantially all the claimed features including rotating the wound rolls 90 or 180 degrees. Goetz discloses another similar apparatus in which rotating means 64 and 72 are provided to rotate the rolls into the desired orientation. It would have been obvious to a person having ordinary skill in the art to provide the admitted prior art apparatus with rotating means as taught by Goetz to rotate the rolls into the desired orientation.

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Claims 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art in view of Goetz as applied to claims 20-22 and 30 above, and further in view of Lindstaedt (US 3695539).

Lindstaedt discloses another similar apparatus in which the rolls/laps are lifted for the rotating process. It would have been obvious to a person having ordinary skill in the art to alternatively lift the rolls of the admitted prior art apparatus for the rotating process as taught by Lindstaedt.

Claims 24, 25, 27-29, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art in view of Goetz as applied to claims 20-22 and 30 above, and further in view of Boehm (US 2735538).

Boehm discloses a rotating apparatus for moving rolls and having two receivers facing in the opposite direction; it would have been obvious to a person having ordinary skill in the art that the inclined ramp 62 would not be needed if the rolls being delivered to the apparatus were at the same level as the apparatus. The lifting device 78 of Goetz should be noted. The limitations of claim 27 are deemed inherent since all the structures are met. The non-slip layer is deemed inherent since the rolls clearly do not slip from the apparatus.

Claims 26 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art in view of Goetz and Boehm as applied to claims 24, 25, 27-29, 31 above, and further in view of JP 61-145082.

The JP reference discloses another similar apparatus in which the shaft 27 is provided with a lifting device for raising and lowering said shaft. It would have been obvious to a person having ordinary skill in the art to provide the apparatus of the admitted prior art modified as above with a lifting device as taught by JP '082 to raise and lower the shaft such as to clear the conveyor.

Applicant's arguments filed 6/9/03 have been fully considered but they are not persuasive.

It should be noted that pending claim 20 was not included in the listing of the claims in the amendment.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). It appears that the admitted prior art which is discussed on pages 1-3 of the specification and which is used in the rejection was not addressed by applicant. This admitted prior art teaches substantially all the claimed features including rotating the wound rolls 90 or 180 degrees. The references discussed by applicant are all modifying references.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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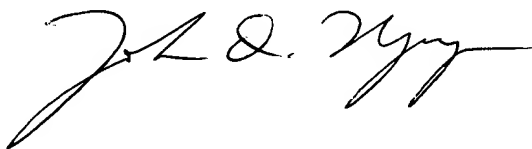
TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

References were lined out on Form PTO-1449 because they do not meet 37 CFR 1.98.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Q. Nguyen whose telephone number is (703) 308-2689. The examiner can normally be reached on Monday-Friday from 6:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Matecki, can be reached on (703) 308-2688. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 (before Final) and (703) 872-9327 (after Final).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-4177.



John Q. Nguyen
Primary Examiner
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